

## **11.16.00.00 - TRANSFERRING PROPERTIES TO CLEARANCE STATUS**

### **11.16.01.00      Scheduling Rental Termination**

After determining a practical and orderly clearance schedule, Property Management shall coordinate the following activities with the RAP Unit:

- Inform the RAP Unit in writing within 2 days of the first knowledge of a RAP eligible vacating state-owned property.
- Coordinate requests for 90-Day Letters and 30-Day Notices sufficiently in advance of the date necessary to clear the project to ensure orderly relocation of all occupants.
- Provide a courtesy 90-Day Letter/30-Day Notice procedure for noneligible state tenants in accordance with provisions of Section 11.07.17.00.
- Ensure that all noneligible tenants occupying premises leased under master tenancy are informed they are not eligible for relocation assistance payments.
- Coordinate sale of excess land or building improvements with the RAP Unit to ensure that occupants are provided with required RAP notices and receive any relocation payments due.

Property Management shall request the following services from the RAP Unit as necessary.

- Service of a Letter of Intent to Vacate on each tenant eligible for relocation assistance payments. Property Management will supply the names, addresses, and other information for the affected tenants and type of notice to be served (see Exhibit 11-EX-34). This notice will be served in accordance with RAP instructions and the status of the tenant's RAP eligibility (see Exhibit 11-EX-35). A copy of the Letter of Intent to Vacate that was served shall be returned to Property Management to confirm the effective date of the notice.
- Service of a Notice to Vacate on the above eligible tenants. A copy of the notice showing the date service was made shall be returned to Property Management as verification of service

and notification of the effective date of termination (see Exhibit 11-EX-6).

Depending on district policy, either Property Management personnel or RAP personnel may serve the Letter of Intent to Vacate and the Notice to Vacate when tenants ineligible for relocation assistance payments are involved.

In most cases where state-owned property is voluntarily vacated and the length of time remaining before regular scheduled clearance is too short to provide a reasonable period for re-renting, the parcel shall be immediately transferred to clearance status for disposal.

### **11.16.02.00      Transferring Properties to Clearance Status**

The Agent is responsible for thoroughly inspecting and securing the state's property as soon as it becomes vacant and shall make prior arrangements to obtain keys from the vacating tenant. If the vacant property shall not be re-rented, the Agent shall follow the procedures below after receiving the keys.

- Inspect the property, noting possible hazards, vandalism, trash, or personal property left on the premises.
- If personal property is found on the property, the Agent is directed to follow the statutory procedures that are set forth in California Code of Civil Procedure Section 1174 and Civil Code Sections 1980-1991. Should the Agent need assistance in interpreting these provisions of California law, the Agent may consult with Legal for additional advice.
- Inventory all items purchased by the state and document the rental file.
- Determine whether or not the property should be boarded-up to protect against vandalism and theft.
- When necessary, submit a service request to the proper maintenance personnel to have trash removed, improvements boarded-up, or hazardous conditions abated.

- Arrange for termination or transfer of utility services into state's name. Notify ASC, Accounts Payable, Utility Section, of changes in utility billing as necessary.

#### **11.16.03.00**      **Property Manager Review**

The Property Manager shall review all improved rental properties that are transferred to clearance status and shall perform the following functions:

- Verify that entries made in RWPS are correct and complete.
- Check the parcel rental folder for accuracy of dates and type of activity from close of escrow to date of transfer to clearance status.
- Verify that improvement inventory documentation has been properly maintained and all state-owned items are accounted for.
- When fully satisfied that the improvements should be transferred to clearance status for disposition, affix initials or signature to the vacancy report to approve the transfer.
- Route the parcel rental folder to clerical staff to prepare the utility removal letter for the Agent's signature (see Exhibit 11-EX-36), ensuring that a copy is sent to ASC, Accounts Payable, Utility Section. After the utility removal letter has been prepared and mailed, place the parcel rental folder in a "Hold for Clearance" file.
- Route a copy of the vacancy report found in the parcel rental folder to Clearance staff to serve notice that certain improvements are now available for immediate clearance.

#### **11.16.04.00**      **Advanced Transfers to Clearance Status**

Occasionally it is necessary to remove improvements prior to normal clearance scheduling

because one or more of the following conditions exist:

- Retention of substandard improvements that cannot be economically rehabilitated would constitute a health or safety hazard.
- Improvements have been damaged to the point that it is no longer economically feasible to restore them to rentable standards.
- A local government agency has condemned the improvements.

In most cases, the above criteria are equally applicable to removal of improvements from rescinded routes or excess land.

A financial analysis prepared by a qualified person and approved by the DDC-R/W shall be attached to the improvement disposal report for disposal of any residential improvements. Comments and recommendations must indicate that the project is environmentally cleared or contain a documented statement about the emergency nature of the removal.

#### **11.16.05.00**      **Direct Sale Pursuant to S&H Code Section 118.1**

In accordance with S&H Code Section 118.1, under certain conditions commercial property made excess because it is on a rescinded route or downscoped project must be offered for sale first to the state's tenant. The tenant must have made authorized capital improvements valued in excess of \$5,000 at their expense. Upon Excess Land's request, Property Management will identify all eligible properties. For further details see Excess Land Chapter 16.